

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
Case Number : M-06-412
(Criminal No. 06-145 DSD/AJB DISTRICT OF MINNESOTA)

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOBUMOCHI FURUKAWA,

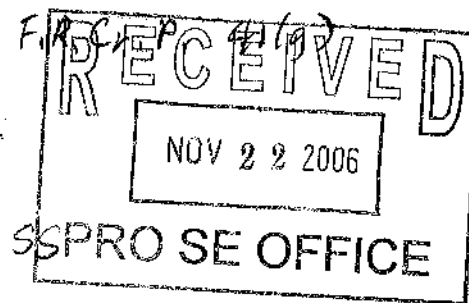
Defendant.

06 635

TOWNES, J.

BLOOM, M.J.

AFFIDAVIT IN SUPPORT
FOR RETURN OF PROPERTY



I, Nobumochi Furukawa, being duly sworn on my oath,
do depose and state as follows:

- 1.) I am the Chief Executive Officer of Arm Internet Consulting, Inc. located at 41-25 Kissena Boulevard, #4A, Flushing, NY 11355.
- 2.) Items and documents belonging to the company were

seized from its premises on April 21, 2006 in connection with criminal complaint against myself as an individual.

3.) Property and documents belonging to the company, as listed in sheet titled "INVENTORY" with OI CASE NUMBER: NY 07QR06NY 0019, issued by Department of Homeland Security, Exhibit A are as follows:

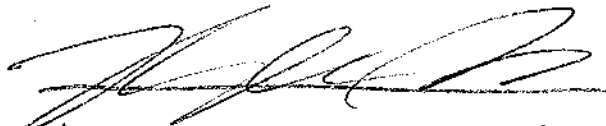
- 1 Compaq Presario 6000 Sn MX309 A2629
- 1 Generic PC
- 1 GCS PC
- 1 Compaq IPAQ PDA
- 1 BAG Thumb drive, WD External Harddrive, 3 master harddrive

Various Media (CD, Floppy, VHS Tapes) and documents, which need to be visually identified.

4.) The company has not been able to function fully or properly file tax returns since the seizure.

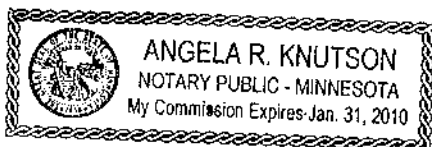
5.) Affiant will not contest creation of copies of documents and electronic media if government contends it needs them for future proceedings.

WHEREFORE, I respectfully request that the court grant the within motion, as well as such other and further relief that may be just and proper.


NOBUMOCHI FURUKAWA

Subscribed and sworn to me
this 10th day of November, 2006.

Angela R. Knutson



Dept. of Homeland Security
 Immigration Customs - INVENTORY

OI CASE NUMBER: NY07QRO6M/0019 Nick RAUDENSKI
 FP&F/INCIDENT NUMBER: 200646-230-
 SUBJECT NAME: FURUKAWA DATE: 4.21.06 3384
 SUBJECT ADDRESS: 41-25 Kissena Blvd, Flushing
 OFFICER # 1: K. Wilson
 OFFICER # 2: S. Ceratti

QUANTITY	DESCRIPTION OF ITEMS
1	IBM THINKPAD LAPTOP S/N K532793
1	COMPAQ PRESARIO S/N MX309A2326
1	MacINTOSH PERFORMA S/N XBS130V13FN
1	Generic PC
1	GCS PC
1	Box Various Media
1	Box VHS Tapes + Unknown Media
1	COMPAQ IMPAQ PDA
1	BAG THUMBDRIVE, WD External Harddrive, 3 Maxtor harddrive
1	Box CD's + Floppys
1	BAG CD's, Floppys, 5 loose harddrive
1	BAG Floppy Disks
1	BAG misc. Docs + MAGAZINES
1	COMPAQ PRESARIO 6000 S/N MX309A2629
2	Boxes VHS Tapes

1 Box VHS Tapes, Floppys, CD's
 1 Box Misc. Fin. Docs
 1 Franklin PC S/N 08022209

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No.: 06-145 DSD/AJB

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	RESPONSE OF THE UNITED
)	STATES TO DEFENDANT'S
v.)	MOTION TO DISMISS OR
)	EXCLUDE FROM EVIDENCE
NOBUMOCHI FURUKAWA,)	
)	
Defendant.)	

The United States of America, by and through its attorneys Rachel K. Paulose, United States Attorney, and Michelle E. Jones, Assistant United States Attorney, herein responds to defendant's motion to dismiss or exclude from evidence.

Defendant moves to dismiss the action against him or, in the alternative, to exclude from use at trial any and all evidence derived from any search or seizure conducted outside of Minnesota and any expert opinion not previously disclosed by the United States on the grounds that the United States has intentionally failed to comply with its obligations under Rule 16 of the Federal Rules of Criminal Procedure and prior orders of the Court.

Defendant's motion to dismiss the charges against him or exclude expert evidence should be denied. Pursuant to a protective order dated June 28, 2006, the United States provided the defendant with a "mirror image" copy of the computer media that was seized from him upon his arrival at the Minneapolis/St. Paul International airport from Tokyo, Japan on April 20, 2006. By order dated August 21, 2006, the Court required the United States to identify any

EXHIBIT B

expert witness and disclose opinion summaries at least two weeks before trial. The October 23, 2006 trial date in this case was recently continued to November 13, 2006. As there has been no violation of the Court's order regarding the timing of expert disclosures, defendant's motion to dismiss or exclude evidence as to expert witnesses should be denied.

Defendant's motion to dismiss or to exclude evidence seized from his residence and business locations in New York should similarly be denied. The Court ordered the United States to certify whether it intends to utilize evidence from the New York searches at trial by September 6, 2006. The United States provided a certified copy of the search warrant and supporting affidavit to defense counsel last week, shortly after it was received by counsel for the United States. The United States hereby certifies that it does not intend to utilize any evidence seized during the execution of the search warrants at the defendant's residence and business locations in New York.

For the foregoing reasons, defendant's motion to dismiss or to exclude from evidence should be denied.

Dated: October 2, 2006

Respectfully submitted,

RACHEL K. PAULOSE
United States Attorney

s/Michelle E. Jones
BY: MICHELLE E. JONES
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
Case Number: m-06-412
(Criminal No. 06-145 DSD/AJB DISTRICT OF MINNESOTA)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	AFFIDAVIT IN SUPPORT
)	FOR RETURN OF PROPERTY
)	F.R.Cr.P. 41 (g)
NOBUMOCHI FURUKAWA,)	
)	
Defendant.)	SS

I, Chinami Furukawa, being duly sworn on my oath, do depose and state as follows:

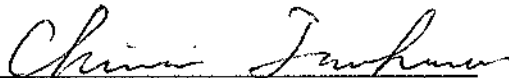
- 1.) I am the spouse of the defendant and I reside at 41-25 Kissena Boulevard #4A Flushing, New York 11355.
- 2.) Items and documents belonging to me were seized from its premises on April 21, 2006 in connection with criminal complaint against my spouse.
- 3.) Property and documents belonging to me, as listed in sheet titled " INVENTORY" with OI CASE NUMBER : NY07QR06NY0019, issued by Department of Homeland Security, Exhibit A are as follows:
1 Compaq Presario s/n MX309A2326
Various Media(CD, Floppy, VHS Tapes) and documents, which need to be visually identified.
- 4.) I have been aggrieved by the seizure of property belonging to me personally, since the seizure. I kept contact information of friends in the computer. I kept personal notes, photographs, and

email on the computer and electronic media. My personal and social life has suddenly come to a halt, as it revolved around email contacts, as can be said for many people in this age.

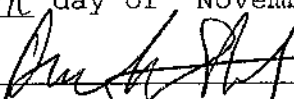
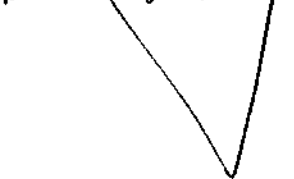
5.) I need the return of the computer, not just a copy of the contents, as I am not technically skilled enough to be able to extract information without the original computer.

6.) Affiant will not contest creation of copies of documents and electronic media if government contends it needs them for future proceedings.

WHEREFORE, I respectfully request that the court grant the within motion, as well as such other and further relief that may be just and proper.


CHINAMI FURUKAWA

Subscribed and sworn to me
this 19th day of November, 2006

DITTEK S. KATZ
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN NASSAU COUNTY
NO. 01KAG077755
CERTIFIED IN QUEENS
COMMISSION EXPIRES JULY 15, 2010